THE BRITISH

VERSUS

THE AMERICAN

SYSTEM OF NATIONAL GOVERNMENT.

BY

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BARRISTER-AT-LAW.

Being a paper read before the Toronto Branch of the Imperial Federation League on Thursday, December 18th, 1890.

TORONTO: WILLIAMSON & CO.,
PUBLISHERS, MDCCCXCI.

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CONVINCED that to Canadians, of the present generation especially, nothing can, from a public point of view, be of more importance than that we should possess an adequate appreciation of the essential features and the advantages of the British institutions, and forms of popular liberty, under which we live, as compared with the institutions of the Americans, the writer of the present paper ventures to publish it as a very modest contribution towards that end. It at all events points out some of the more obvious characteristics of our British parliamentary system, as contrasted with the Congressional system of the United States.

TORONTO, February 9th, 1891.

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THE policy of Imperial Federation, or consolidation, involves necessarily very different considerations to the people of one part of the Empire, to what it does to those of another. To us in Canada it seems an almost universal opinion that this policy presents itself as the only practicable alternative to that of continental union, or, as it is perhaps somewhat unfairly called, annexation to the United States. This being the case, I trust that the subject of this paper will not be considered foreign to the proceedings of a Canadian branch of the league. Nothing can be more certain than that, should the policy of continental union prevail, Canadians must come under the national

system of the Americans. It is just conceivable, though very improbable, that the separate local governments in the various States into which the Dominion would then be divided, would be permitted to retain their present parliamentary system; but in all federal matters, we should have to accept the American system. And if it should occur to the mind of any one that the Americans might alter their system to suit us, it may be sufficient to observe that under their Constitution no measure to amend the same can come into effect unless it has in its favour the concurring vote of not less than fifty-eight separate legislative chambers in the various States, independently of the Federal legislature, in which a double two-thirds majority must be obtained;* so that Mr. Woodrow Wilson, an American critic, to whom I shall very often have occasion to refer, in his lucid and interesting essay on congressional government, says that no impulse short of the impulse of self-preservation, no force less than the force of revolution, can nowadays be expected to move the cumbrous machinery of formal amendment of the Constitution of the United States.†

*Constitution of United States, Art. 5.

†Congressional Government (Boston, 1887), p. 242.

It follows, therefore, that if on a comparison of the two systems we find good reason to consider that the British system, which is at present our own, is far preferable to that of our neighbours, a valuable weapon for Canadian use is added to the armoury of the Federation league.

Fortunately there are many and famous writers to aid us in forming an opinion; and let me say at once that I do not aspire this evening to earn any reputation for originality. My aim is to lay before you some of the things which political thinkers of established reputation have to say about the two systems which we propose to contrast; and I warn you therefore that this paper will be as full of quotations as the illiterate theatre-goer found Shakespeare's play of Hamlet.

Foremost among recent writers on the subject stands, of course, Mr. Bryce, and I shall have so often to call him to my support in criticising the American system, that I feel almost bound to observe that an American advocate might very often cite with considerable effect one passage in Mr. Bryce's American Commonwealth to confute another. The fact is that, though Mr. Bryce finds fault with the institutions of the Americans in detail, he often

praises them in the lump. It would be shocking to say that he hedges. I would rather shelter myself under the words of his reviewer in the London *Times*, and say "that if he ever drops a word of severity, he hastens to knock the edge off his criticism by a timely admission. To all his verdicts is appended a rider of extenuating circumstances."* For example, in one place he states that he who would desire to draw an indictment against the American scheme of government might make it a long one, and for every count in it cite high American authority, and adduce evidence from American history. But he immediately hastens to add that a European reader would greatly err if he were to conclude that their scheme of government was, for the purposes of the country, inferior to the political system of any of the great nations of the old world.† He scarcely notices the fact, however, that in Canada we have the British Cabinet and Parliamentary system applied to our Federal Government, and certainly he does not attempt to show that the many advantages which he declares that system to possess in England, are less applicable to it when

**Times*, Dec. 26th, 1888.

†American Commonwealth, Vol. 1, p. 300.

adopted in this country. In one place he does indeed observe, with something of a sneer, that the example of our Provincial legislatures, in each of which there is a responsible ministry sitting in the legislature, does not seem to recommend the adoption of that system for imitation by the American States.* But the fact is that neither Mr. Bryce nor his eminent contemporary, Professor Dicey, seem to have devoted much attention as yet to the political phenomena of this Dominion. It is to be hoped that Professor Ashley will be able to persuade them that, as he says, to the scientific student of politics, Canada is of interest in the experiment which it is making in the combination of Cabinet Government with a Federal system.†

As may have been already conjectured, I do not purpose dwelling this evening upon any of the advantages which may be supposed to accrue to us from having at the apex of our political system the representative of our ancient and historic monarchy, rather than a mere passing politician elected for four years, whose very mediocrity often recommends him as a safe candidate to the party tacticians.

*Ib., Vol. 1, p. 525.

†Constitutional History of Canada, p. 16.

Possibly to those who admit of no sentiment in this matter, and, also, take a very superficial view of it, it may be sufficient to say with Mr. Phelps, American Minister to England, that this is after all principally a difference in form. "The Monarch reigns for life, but does not govern; the President governs for four or eight years, but does not reign."* Still less do I intend to take up your time with platitudes upon the evils of the constantly recurring Presidential elections.

So, too, we cannot do more than glance at the fact that the Senate and the House of Representatives, which, as everyone knows, are the two Houses constituting Congress, possess substantially equal and co-ordinate power, a state of things existing in no other great country in the world, whence arises, says Mr. Bryce, frequent collisions between the two Houses.† "Congress was weakened," he says, "as compared with the British Parliament in which one House has become dominant, by its division into two co-equal houses, whose disagreement paralyses legislative action."‡

* Nineteenth Century, March, 1888.

†American Commonwealth, Vol. 1, p. 183.

‡*Ib.*, p. 278.

In the same way, we can only glance at what Mr. Woodrow Wilson calls the "treaty-marring power of the Senate."* "The President," says the same American critic, "really has no voice at all in the conclusions of the Senate with reference to his diplomatic transactions, or with reference to any of the matters upon which he consults it; and yet without a voice in the conclusion there is no consultation. * * The Senate, when it closes its doors upon going into 'executive session,' closes them upon the President as much as upon the rest of the world."† We have seen a very recent example of the working of this system in the rejection by the Senate of the proposed Fisheries Treaty with Great Britain.

What I wish to concentrate attention upon this evening, for it is of the most far-reaching consequences of all, is the different relation which exists between the President and his Secretaries of State on the one hand, under the American system, and the Premier and other members of the Cabinet under the British system, and between the Executive and Congress on the one hand, and the Cabinet and

*Congressional Government, p. 50.

†*Ib.*, p. 233.

Parliament on the other hand, and therefore I will call your attention at once to the concluding words of Article 1, Section 6, of the American Constitution which provide that "No person holding any office under the United States shall be a member of either House during his continuance in office." "The founders of the American Constitution," says John Morley, in his delightful life of Robert Walpole, "as all know, followed Montesquieu's phrases, if not his design, about separating legislature from executive, by excluding ministers from both Houses of Congress. This is fatal to any reproduction of the English system. The American Cabinet is vitally unlike our own on this account."*

Under the American system, therefore, the President and the Secretaries of State cannot be members either of the House of Representatives or of the Senate; they are under no direct responsibility to Congress of any kind; nor can they take any direct part in initiating or debating any measure. Under the British system, on the other hand, the Ministers of the Crown not only may, but must, have seats in one or other House of Parliament, and are directly

*Walpole (Twelve English Statesmen Series), p. 154.

responsible to the popular house. In the words of Bagehot, constantly referred to as the most acute of English constitutional writers, the Cabinet under our system is a board of control chosen by the legislature out of persons whom it trusts and knows, to rule the nation.* Cabinet Ministers form a committee of the legislature, chosen by the majority for the time being. They are accountable to the legislature and must resign office as soon as they lose its confidence, or else dissolve Parliament and accept whatever verdict the country may give. They are jointly as well as severally liable for their acts. "The essence of responsible government," said the late Lord Derby, "is that mutual bond of responsibility one for another wherein a government acting by party go together, frame their measures in concert, and where, if one member falls to the ground, the others almost as a matter of course, fall with him."† None of these principles hold true in America. The President is not responsible to Congress for his acts. His ministers do not sit in Congress, and are not accountable to it, but to the President their master. Congress may request their attend-

*The English Constitution, 5th ed., p. 13.

†Central Government, by H. D. Traill, p. 26.

ance before a committee, as it may require the attendance of any other witness, but they have no opportunity of expounding and justifying to Congress, as a whole, their own, or rather their master's policy. Hence an adverse vote of Congress does not affect their or his position. They are not present in Congress to be questioned as to matters of administration which arise, and yet an American writer himself admits "that the only really self-governing people is that people which discusses and interrogates its administration."* In America, again, the administration does not work as a whole. It is not a whole. It is a group of persons, each individually dependent on and answerable to the President, but with no joint policy, no collective responsibility.

Borrowing freely from Mr. Bryce, I may summarize the difference thus: With us and in England, if the Executive ministry displeases the House of Commons, the House passes an adverse vote. The ministry have their choice to resign or to dissolve Parliament. If they resign, a new ministry is appointed from the party which has proved itself strongest in the House of Commons, and cooperation being restored between the legislature and

*Congressional Government, p. 303.

the executive, public business proceeds. In America, a dispute between the President and Congress may arise over an executive act or over a bill. If over an executive act, an appointment or a treaty, one branch of Congress, the Senate, can check the President, that is, can prevent him from doing what he wishes, but cannot make him do what they wish. If over a bill which the President has returned to Congress unsigned, the two Houses can, by a two-thirds majority, pass it over his veto, and so end the quarrel; though the carrying out of the bill in its details must be left to him and his ministers, whose dislike of it may render them unwilling and therefore unsuitable agents. Should there not be a two-thirds majority, the bill drops; and however important the question may be, however essential to the country, some prompt dealing with it, either in the sense desired by the majority in Congress or in that preferred by the President, nothing can be none till the current term of Congress expires.*

The American Constitution in its attempt to create a number of effective checks and balances has produced a system from which dead-locks cannot fail to ensue, and which at a time of crisis may

*American Commonwealth, Vol. 1, page 282.

endanger the very highest interests of the nation. The efficient secret of the English Constitution, says Bagehot, may be described as the close union, the nearly complete fusion, of the executive and legislative powers.* The fundamental defect of the American system, to quote an American critic in the *North American Review*, seems to be in the separation and diffusion of power and responsibility.† Executive and legislative, says Woodrow Wilson, are separated by a a hard and fast line, which sets them apart in what was meant to be independence, but has come to amount to insolation;‡ while cabinet government, on the other hand, is a device for bringing the executive and legislative branches into harmony and co-operation without uniting or confusing their functions. It is as if the majority in the Commons deputised its leaders to act as the advisers of the Crown and the superintendents of the public business, in order that they might have the advantage of administrative knowledge and training in advising legislation and drafting laws to be submitted to Parliament.

*The English Constitution, p. 10.

†Vol. III., p. 331.

‡Congressional Government, p. 147.

We must not, too, omit to notice that Congress, though in the literary theory of the American constitution, it should confine itself to the proper work of legislation, and not usurp the functions of the executive, has not hesitated to endeavour to do the latter. Mr. Wilson declares that though the form of their Constitution is one of nicely-adjusted ideal balances, the actual form of their present Government is simply a scheme of Congressional supremacy.* Congress has entered more and more into the details of administration, until it has virtually taken into its own hands all the substantial powers of Government.† At the same time, he says, the secretaries, that is the executive ministers, though not free enough to have any independent policy of their own, are free enough to be very poor, because very unmanageable, servants. Once installed, their hold upon their offices does not depend upon the will of Congress. They may make daily blunders in administration and repeated mistakes in business, may thwart the plans of Congress in a hundred small, vexatious ways, and yet all the while snap their fingers at its dissatisfaction or

*Congressional Government, p. 6.

†*Ib.*, p. 45.

displeasure.* Thus, as under our system, we find Parliament, or rather the popular House, concentrating in itself all real powers, so under the American system Congress apparently endeavours to do the the same, but with the great disadvantage, not existing under the British system, of having the executive ministers separate from it, and holding office by an independent tenure.

Now, it must not be supposed that the Americans deliberately adopted their present system in preference to the existing British system. The principle of Cabinet Government, says Mr. Hearn, in his work on the Government of England, seems to have been altogether unknown in America at the time of the Revolution. Neither in the writings of Hamilton or of Jefferson, nor in the debates upon the organization of their new Government, can we discover any indication that the statesmen who framed the Constitution of the United States had the least acquaintance with that form of Parliamentary Government which now prevails in England.† The fact is that the system had not fully developed itself at that time even in England itself, and

*Ib., p. 272.

†Government of England, p. 213.

though some consider the second Rockingham ministry of 1782 the first of the modern ministries, Mr. Hearn holds that it is in Lord Grenville's administration in 1806 that we first find our modern system of ministries permanently and completely established.* Not that the Fathers, as the founders of the American Constitution are called, did not look to the England of their own day in framing their scheme. It may be somewhat startling to be told that the Americans have in their President embalmed King George III. But, says Sir Henry Maine, in his work on Popular Government, the Constitution of the United States is in reality a version of the British Constitution, as it must have presented itself to an observer in the second half of the last century. It is tolerably clear, he says, that the mental operation through which the framers of the American Constitution went was this: they took the King of Great Britain, went through his powers, and restrained them wherever they appeared to be excessive or unsuited to the circumstances of the United States. It is remarkable that the figure they had before them was not a generalised English king nor an abstract constitutional monarch; it

*Ib., p. 227.

was no anticipation of Queen Victoria, but George III. himself whom they took for their model. The present British system of Cabinet Government was exactly the method of government to which George III. refused to submit, and the framers of the American Constitution took George III.'s view of the kingly office for granted. They give the whole executive Government to the President, and they do not permit his ministers to have seat or speech in either branch of the Legislature. They limit his power and theirs, not, however, by any contrivance known to modern English constitutionalism, but by making the office of President terminable at intervals of four years.* It may very well be that the Americans improved upon the system of Government at that time existing in England, but they cribbed, cabined, and confined their new scheme within the four limits of a written constitution, whereas the British system has been permitted to proceed in a course of natural and spontaneous development. It is worth while to have dwelt for a moment on this to explain the apparent paradox that so intelligent a people as the Americans should possess a system of Government so open to criticism.

*Popular Government, pp. 207, 212, 213.

"The English Constitution," says one of them, "was at that time in reality much worse than our own; and, if it is now superior, it is so because its growth has not been hindered or destroyed by the too tight ligaments of a written fundamental law."*

What then are the evils incident to the American system which we say are so great that Canadians should never dream of exchanging their own system of National Government for it? Mr. Bryce sums up many of them in one general expression. There is, he says, in the American Government, considered as a whole, a want of unity. Its branches are unconnected; their efforts are not directed to one aim, do not produce one harmonious result. The sailors, the helmsman, the engineer, do not seem to have one purpose or obey one will, so that instead of making steady way the vessel may pursue a devious or zig-zag course, and sometimes merely turn round and round in the water. For the present all is comparatively well, for that vessel sails upon a summer sea.†

To be more specific, I will enumerate some of the more obvious defects of the American system, in

*Congressional Government, p. 311.

†American Commonwealth, Vol. 1, pp. 287, 303.

the words of no mere academical critic, but of Story himself, one of the most brilliant names upon the roll of American jurists. In his Commentaries on the American Constitution he says: "The heads of departments are, in fact, by the exclusion from Congress of all persons holding office, prevented from proposing or vindicating their own measures in the face of the nation in the course of debate, and are compelled to submit them to other men, who are either imperfectly acquainted with the measures, or are indifferent to their success or failure. Thus, that open and public responsibility for measures which properly belongs to the executive in all Governments, and especially in a republican Government, as its greatest security and strength, is completely done away. The executive is compelled to resort to secret and unseen influence, to private interviews and private arrangements, to accomplish its own appropriate purposes, instead of proposing and sustaining its own duties and measures by a bold and manly appeal to the nation in the face of its representatives. One consequence of this state of things is, that there never can be traced home to the executive any responsibility for the measures which are planned and carried at its sug-

gestion. Another consequence will be (if it has not yet been) that measures will be adopted or defeated by private intrigues, political combinations, irresponsible recommendations, and all the blandishments of office and all the deadening weight of silent patronage. The executive will never be compelled to avow or support any opinions. * * It will assume the air of a dependent instrument ready to adopt the acts of the legislature, when, in fact, its spirit and its wishes pervade the whole system of legislation. If corruption ever eats its way silently into the vitals of the Republic, it will be because the people are unable to bring responsibility home to the executive through his chosen ministers."* And so to exchange the grave, judicial language of Judge Story, for the lighter style of Mr. Bryce: "Not uncommonly there is presented the sight of an exasperated American public going about like a roaring lion, seeking whom it may devour, and finding no one."†

But now let me call attention to some matters which do not lie so obviously upon the surface. It

*Commentaries on the American Constitution, 4th ed., vol. 1, p. 614, seq.

†American Commonwealth, vol. 2, p. 320.

is necessary for every legislative body to evolve some kind of organization. Debarred from having the ministers of the day as a ruling committee controlling all business, as with us, the Houses of Congress took the alternative of distributing business among a number of committees, to each of which is assigned a specific class of subjects. In 1888 there were in the American Senate 41 standing committees, each appointed for two years, and consisting of from 3 to 11 members each, and in the House of Representatives there were 54 standing committees, each appointed for a period of two sessions, and consisting of from 3 to 16 members each. We may confine our view to the House of Representatives, but the system in both Houses is the same; and I shall take what I have to say principally from the American writer, to whom I have so often referred already, Mr. Wilson, though he is entirely confirmed in what he says by the independent testimony of Mr. Bryce. The way business is divided among these committees is indicated by their names, of which some of the principal are Ways and Means; Appropriations; Banking and Currency; Rivers and Harbours; Railways and Canals; Foreign Affairs; Naval Affairs; Mili-

tary Affairs, and Public Lands. Now, to some one of these small standing committees, each and every bill is referred, and it is positively startling to any one accustomed to the free and open debate of a British Parliament, to find that all legislation is at the mercy of the particular committee to which it is assigned. These committees deliberate in secret, and no member speaking in the House is entitled to state anything that has taken place in committee other than what is stated in the report of that committee. They are practically under the control of their chairmen, who are strict party men appointed by the speaker, who is himself under the American system a staunch and avowed partisan, making smooth whenever he can the legislative paths of his party, and the most powerful man in the House by virtue of his function of appointing these chairmen of the standing committees. "I know not how better," says Wilson, "to describe our form of government in a single phrase than by calling it a Government by the chairmen of the Standing Committees of Congress."* But these chairmen of committees do not constitute a co-operative body like a ministry. "They do not consult and concur

*Congressional Government, p. 102.

in the adoption of homogeneous and mutually helpful measures; there is no thought of acting in concert. Each committee goes its own way at its own pace. It is impossible to discover any unity or method in the disconnected and, therefore, unsystematic, confused and desultory action of the House, or any common purpose in the measures which its committees from time to time recommend."*

We will now glance for one moment at the way legislation is conducted under this system. In the first place, as to the initiation of legislative measures. Under the British system, which I cannot too often repeat we now enjoy in Canada with the many other privileges of British subjects, public bills fall into two classes—those brought in by the ministry of the day as responsible advisers of the sovereign, and those brought in by private members. In neither House of Congress, on the other hand, are there any such thing as Government bills. With us a strong cabinet can obtain the concurrence of the legislature in all acts which facilitate its administration; it is, so to say, the legislature. In America the initiative of legislation actually

Ib., p. 61.

belongs to nobody in particular. Any member may introduce a bill or resolution upon any subject in which he feels an interest. A dozen of these may be presented upon the same subject, which differ entirely from one another.

Let us then sketch after Woodrow Wilson* the experience of the new member who goes to Washington as the representative of a particular line of policy, having been elected, it may be, as an advocate of free trade, or as a champion of protection. He can introduce his bill on the proper day, but that is all he can do. If he supposes, says Mr. Wilson, as he naturally will, that after his bill has been sent up to be read by the clerk, he may say a few words in its behalf, and in that belief sets out upon his long-considered remarks, he will be knocked down by the rules at once. The rap of Mr. Speaker's gavel is sharp, immediate, and peremptory. He is curtly informed that no debate is in order; the bill can only be referred to the appropriate committee. For there is no debate at all allowed upon the first or the second reading of bills, which amongst other things, prevents the public being necessarily apprised of the measures which are

*Congressional Government, p. 64 seq.

before Congress. Without debate, then, the bill is committed, and we are told, the fate of bills committed is generally not uncertain. As a rule, a bill committed is a bill doomed.* When it goes from the clerk's desk to a committee-room it crosses a Parliamentary bridge of sighs to dim dungeons of silence, whence it will never return. The means and time of its death are unknown, but its friends never see it again. It is perfectly easy for the committee to which the bill has been referred, and therefore common, to let the session pass without making any report at all upon bills deemed objectionable or unimportant, and to substitute for reports upon them a few bills of the committee's own drafting; so that thousands of bills expire with the expiration of each Congress, not having been rejected, but having been simply neglected. There was not time to report upon them. The practical effect of this committee organization of the House is to consign to each of the standing committees the entire direction of legislation upon those subjects which properly come under its consideration. When the committees do report to the House, it might be supposed full debate would be allowed.

*Ib., p. 69.

Not so. It seems simply incredible, but it rests upon the authority of Senator Hoar, of Massachusetts, whose long Congressional experience, we are told, entitles him to speak with authority, that most of the committees have at their disposal during each Congress but two hours each in which to report upon, debate, and dispose of all the subjects of general legislation committed to their charge.* And even that space of time is not allowed to free and open debate. The reporting committee man is allowed to absorb a great part of it, and as to the rest, the Speaker recognises only those persons who have previously come to a private understanding with the maker of the report, and these only upon their promise to limit their remarks to a certain number of minutes.† So that our new member, says Mr. Wilson, finds that turn which way he may, some privilege of the committees stands in his path. The rules are so framed as to put all business under their management; and as his first session draws towards its close he learns that under their sway freedom of debate finds no place for allowance, and his long-delayed speech must remain unspoken.‡

*Congressional Government, p. 72.

†Von Holst's Constitutional Law of the United States, p. 109, note.

‡Congressional Government, p. 71.

What chance, we may well ask, would a Lord Shaftesbury or a Plimsoll, or even a Gladstone, or any of the great reformers and philanthropists, whose names lend lustre to the records of the Parliament of Great Britain, have had under such a system as that prevailing in Congress? It is highly probable that they would have effected nothing, even if they had ever reached Congress at all, which is very doubtful; but fortunately they had to do with a Parliament where there is no such practice of referring different classes of business to special committees, but where every subject of importance is fully and freely debated in committee of the whole House. The House of Commons, it is true, has its committees, even its standing committees, but they are of the old-fashioned sort, which merely investigate and report, not of the new American type, which originate and conduct legislation. Nor are they appointed by the Speaker. They are chosen with care by a committee of selection, composed of members of both parties. But the lobbyist, the intriguer, and the wielder of improper influences have every facility afforded them in the American system of small committees, conducting their proceedings with closed doors And that Americans themselves

recognise this difference is indicated by the following interesting extract from the *Rochester Herald*, which I clipped from a newspaper last year: "The people of this country are pleased beyond measure," it says, "with the efforts being made in Canada to get rid of the boodlers now rusticating there for their country's good. A great cry has been made about the boodlers lobbying against Dr. Weldon's bill. The power of these criminals to prevent its passage is not so great as many persons think. If the Government says it can go through it will go whether there is a lobby against it or not. That institution cannot be worked so well in the Canadian Parliament as in this country. In Congress, for instance, one man is able to block legislation for an indefinite period, if he so chooses; at Ottawa no such blocking can be done, and the bill will come up in its turn."*

There remain two other most important matters to which I would like briefly to refer before bringing this paper to a close. John Stuart Mill, in his essay on Representative Government, arrives at a twofold division of the merit which any set of political institutions possess, namely the degree in

*Toronto "Empire," March 15th, 1889.

which they promote the general mental advancement of the community, and the degree in which they bring the individual intellect and virtue of its wisest members more directly to bear upon the Government, and invest them with greater influence in it.* How then do the British and American systems compare in this respect? Under which system are the best men and the best minds of the community most likely to be drawn into public life, and allowed to wield the most unfettered influence when they get there, and which system is likely to conduce most to the enlightenment and mental advancement of the general public? The head of the British Cabinet to-day, says John Morley, corresponds in many particulars, alike in the source of his power and in the scope of his official jurisdiction, with the President of the United States.† Which system then is likely to bring the better man to these exalted positions? I will take the answer from Mill, one of the most impartial of critics. When the party which has the majority in Parliament appoints its own leader, he tells us, he is always one of the foremost, and often the very foremost person

*Representative Government, People's ed., p. 12-13.

†Life of Walpole, p. 165.

in political life; while the President of the United States is almost always an obscure man, or one who has gained any reputation he may possess in some other field than politics.* And Mr. Bagehot puts the same thought in this way: "Under a Presidential Constitution the preliminary caucuses which choose the President need not care as to the ultimate fitness of the man they choose. They are solely concerned with his attractiveness as a candidate; they need not regard his efficiency as a ruler. If they elect a man of weak judgment, he will reign his stated term; even though he show the best judgment, at the end of that term there will be by constitutional destiny another election. But under a ministerial government there is no such fixed destiny. The government is a removable government, its tenure depends upon its conduct. If a party in power were so foolish as to choose a weak man for its head, it would cease to be in power. Its judgment is its life. * * A Ministerial Government is carried on in the face of day. Its life is in debate. A President may be a weak man; yet if he keep good ministers to the end of his administration, he may not be found out—it may still be a dubious contro-

*Representative Government, p. 105.

versy whether he is wise or foolish. But a prime minister must show what he is. He must meet the House of Commons in debate; he must be able to guide that assembly in the management of its business, to gain its ear in every emergency, to rule it in its hour of excitement. He is conspicuously submitted to a searching test, and if he fails he must resign."*

Next, let us consider under which system the remainder of the ministry of the day are likely to be composed of the better men. "At each change of party," says Bagehot, "the President distributes, as with us, the principal offices to his principal supporters. He has an opportunity for singular favouritism; the minister lurks in the office; he need do nothing in public; he need not show for years whether he is a fool or wise. The nation can tell what a Parliamentary member is by the open test of Parliament; but no one, save from actual contact, or by rare position, can tell anything certain of a Presidential minister."† But I will turn to Mr. Wilson, for corroboration: "Among the great purposes of a national Par-

*The English Constitution, p. 65–6.

†The English Constitution, p. 203.

liament," he says, "are these two, first, to train men for practical statesmanship; and secondly, to exhibit them to the country, so that, when men of ability are wanted, they can be found without anxious search and perilous trial. In those governments which are administered by an executive committee of the legislative body, not only this training but also this exhibition is constant and complete. The career which leads to cabinet office is a career of self exhibition. The self-revelation is made in debate, and so is made to the nation at large as well as to the ministry of the day, who are looking out for able recruits, and to the Commons, whose ear is quick to tell a voice which it will consent to hear, a knowledge which it will pause to heed. But in Governments like the American, in which legislative and executive services are altogether dissociated, this training is incomplete and this exhibition almost entirely wanting."*

And generally let us consider which system is most likely to attract the best minds of the country into public life. To look only to our own times, for it would not be fair to compare a less democratic age with ours in this respect, where are the Gladstones

*Congressional Government, p. 251.

and the Beaconsfields, the Forsters and the Hartingtons, the Salisburys and the Balfours, the Stafford Northcotes and the Brights of American politics, not to mention the scores of other names of men of the highest attainments and scientific or literary eminence who have adorned the benches of the British House of Commons in our generation? Do they exist in public life in America? Let an American answer: "We have always had plenty of excellent lawyers," he says, "though we have often had to do without even tolerable administrators, and seem destined to endure the inconvenience of hereafter doing without any constructive statesmen at all. * * The forms of government in America have always been unfavourable to the easy elevation of talent to a station of permanent authority. * * We have no great prizes of leadership, such as are calculated to stimulate men of strong talents to great and conspicuous public services. * * I cannot insist too much upon this defect of congressional government, because it is evidently radical. Leadership with authority over a great ruling party is a prize to attract great competitors, and is in a free Government the only prize that will attract great competitors. Its attractiveness is

abundantly illustrated in the operations of the British system. * * A part in the life of Congress, on the contrary, though the best career opened to men of ambition by our system, has no prize at its end greater than membership of some one of numerous committees, none of which has the distinction of supremacy in policy or of recognised authority to do more than suggest."*

And now, in conclusion, which system most conduces to creating an intelligent and an educative interest in the general public about the affairs of the country?

In America, says Bryce, politicians do not aspire to the function of forming opinion. There is less disposition than in Europe to expect light and leading on public affairs from speakers or writers. Oratory is not directed towards instruction, but towards stimulation. The structure of the Government, he says, provides the requisite machinery neither for forming nor for guiding a popular opinion, disposed of itself to recognise only broad and patent facts, and to be swayed only by such obvious reasons as it needs little reflection to follow.†

*Congressional Government, pp. 199, 203, 206, 214.

†American Commonwealth, vol. 2, pp. 230, 249.

So much for Mr. Bryce's testimony. Now let us hear Bagehot: "Cabinet Government educates the nation; the Presidential does not educate it, and may corrupt it. It has been said that England invented the phrase 'Her Majesty's opposition;' that it was the first Government which made a criticism of administration as much a part of the polity as administration itself. This critical opposition is the consequent of cabinet government. The great scene of debate, the great engine of popular instruction and political controversy, is the legislative assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the best means yet known for arousing, enlivening, and teaching a people. The cabinet system ensures such debates, for it makes them the means by which statesmen advertise themselves for future and confirm themselves in present governments. * * The deciding catastrophes of cabinet governments are critical divisions preceded by fine discussions. * * And debates which have this catastrophe at the end of them—or may have it—are sure to be listened to, and sure to sink deep into the national mind. * * On the other hand, the debates in the American Congress

have little teaching efficacy; it is the characteristic vice of Presidential Government to deprive them of that efficacy; in that Government a debate in the legislature has little effect, for it cannot turn out the executive, and the executive can veto all it decided."* Finally, let me call Mr. Woodrow Wilson, for I have desired this evening to cite, as it were, expert testimony for every criticism adduced. This is what he says in his work on Congressional Government: "The chief, and unquestionably the most essential object of all discussion of public business is the enlightenment of public opinion; and, of course, since it cannot hear the debates of the committees, the nation is not apt to be much instructed by them. * * They have about them none of the searching, critical, illuminating character of the higher order of Parliamentary debate, in which men are pitted against each other as equals, and urged to sharp contest and masterful strife by the inspiration of political principle and personal ambition, through the rivalry of parties and the competition of policies. They represent a joust between antagonistic interests, not a contest of principles. They could scarcely either inform or

*The English Constitution, pp. 19, 170.

elevate public opinion even if they were to obtain its heed.* * * "Why is it," he asks, "that many intelligent and patriotic people throughout this country, from Virginia to California—people who beyond all question, love their State and the Union more than they love their cousins over the sea—subscribe for the London papers in order to devour the Parliamentary debates, and yet would never think of troubling themselves to make tedious progress through a single copy of the Congressional Record? Is it because they are captivated by the old-world dignity of royal England, with its nobility and its Court pageantry, or because of a vulgar desire to appear better versed than their neighbours in foreign affairs, and to affect familiarity with British statesmen? No, of course not. It is because the Parliamentary debates are interesting and ours are not. * * Every important discussion in the British House of Commons is an arraignment of the ministry by the opposition—an arraignment of the majority by the minority; and every vote is a party defeat or a party triumph. The whole conduct of the Government turns upon what is said in the Commons, because the revela-

*Congressional Government, pp. 83, 85.

tions of debate often change votes, and a ministry loses hold upon power as it loses hold upon the confidence of the Commons. * * It is, therefore, for these very simple and obvious reasons that the Parliamentary debates are read on this side of the water in preference to the Congressional debates, They affect the ministers, who are very conspicuous persons, and in whom, therefore, all the intelligent world is interested; and they determine the course of politics in a great empire."*

Will Canada, as a part of that empire, consent to exchange that perfected system of Parliamentary Government, which, with other self-governing British communities, she has received from the hands of Great Britain, for a system which, on the testimony of even Americans themselves, is so full of serious drawbacks, and is so convenient to the organizers of the caucus, the convention, and the machine, to the lobbyist, the intriguer, and the demagogue? Rather let us maintain intact and in full working order that remarkable system, as John Morley calls it, which combines unity, steadfastness, and initiative in the executive, with the possession of supreme authority alike over men and measures

*Congressional Government, p. 94–5.

by the House of Commons,* that whenever and so often as Providence sends us men of true light and leading, of statesmanlike gifts and capacious minds, they may find the appropriate machinery ready to their hands, that devoting themselves to public life, they may gather up alike the reins of executive and legislative power, and guide a grateful and consenting nation forward along a well-ordered course of advancement and reform. Very foolish should we be if we ever allowed the good ship Canada to forsake that noble British squadron that, led by the flagship of Old England, passes down the stream of history under the Union Jack. Very foolish should we be, if we ever allowed any inducements to draw this country away from the broad current of British liberty and progressive development.

*Life of Walpole, p. 142.